

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

vs.

SCOTT J. BARNES,

Defendant.

**SECOND SUPPLEMENTAL  
AFFIRMATION**

Docket No. 1:23-CR-00099-LJV-JJM

---

STATE OF NEW YORK }  
COUNTY OF ERIE } ss.:

David B. Cotter, an attorney at law duly licensed to practice before the United States District Court for the Western District of New York and I affirm the following to be true under penalty of perjury.

1. As previously stated, I represent the Defendant, Scott J. Barnes in the above referenced matter and have since shortly after his arrest on December 7, 2023.
2. Before filing the Supplemental Affirmation on April 4, 2024, I went to Lockport and visited my client at the Niagara County Holding Center.
3. His pallor and gait concerned me considerably.
4. Late in the afternoon on April 4, 2024, after the filing referenced in paragraph 2, above, I received an email from a friend of my client who advised that she had received a text message from Scott stating that he was being taken to the hospital.
5. In the morning on April 5, 2024, I checked with the U.S. Marshals who advised that Scott had been taken to ECMC and the cyst was removed. He was returned to the Niagara County Holding Center at approximately 12:30 a.m. on April 5, 2024.
6. In speaking with him on Friday, April 5, 2024, his voice was considerably stronger than it had been on Thursday and he said he felt better than he has in weeks (with respect to the cyst, not the problems with his leg and/or back surgeries).

7. This second Supplemental affirmation seeks to add information contained in paragraph 21 of the Supplemental affirmation submitted last week. The address which Mark Graber has offered to Mr. Barnes is 1255 Main Road Corfu NY 14036. His phone number is available upon request.

Dated: April 8, 2024  
Buffalo, New York

  
\_\_\_\_\_  
David B. Cotter

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

---

UNITED STATES OF AMERICA

vs.

SCOTT J. BARNES,

**CERTIFICATE OF SERVICE**

Docket No. 1:23-CR-00099-LJV-JJM

Defendant.

---

David B. Cotter, states that on April 8, 2024 a Second Supplemental Affirmation was electronically filed with the Clerk of the District Court using its CM/ECF system, which would then electronically notify the following CM/ECF participants on this case:

Assistant United States Attorney Joseph M. Tripi

Assistant United States Attorney Nicholas Cooper



---

David B. Cotter